

SENATE, No. 4172

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED NOVEMBER 22, 2021

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Senator KRISTIN M. CORRADO

District 40 (Bergen, Essex, Morris and Passaic)

Co-Sponsored by:

Senators Madden and O'Scanlon

SYNOPSIS

Expands crime of human trafficking to include individuals who benefit financially.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/2/2021)

1 AN ACT concerning human trafficking and amending P.L.2005,
2 c.77.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L.2005, c. 77 (C.2C:13-8) is amended to read
8 as follows:

9 1. Human trafficking. a. A person commits the crime of human
10 trafficking if he:

11 (1) knowingly holds, recruits, lures, entices, harbors, transports,
12 provides or obtains, by any means, another, to engage in sexual
13 activity as defined in paragraph (2) of subsection a. of N.J.S.2C:34-
14 1 or to provide labor or services:

15 (a) by causing or threatening to cause serious bodily harm or
16 physical restraint against the person or any other person;

17 (b) by means of any scheme, plan, or pattern intended to cause
18 the person to believe that the person or any other person would
19 suffer serious bodily harm or physical restraint;

20 (c) by committing a violation of N.J.S.2C:13-5 against the
21 person;

22 (d) by destroying, concealing, removing, confiscating, or
23 possessing any passport, immigration-related document as defined
24 in section 1 of P.L.1997, c.1 (C.2C:21-31), or other document
25 issued by a governmental agency to any person which could be used
26 as a means of verifying the person's identity or age or any other
27 personal identifying information;

28 (e) by means of the abuse or threatened abuse of the law or legal
29 process;

30 (f) by means of fraud, deceit, or misrepresentation against the
31 person; or

32 (g) by facilitating access to a controlled dangerous substance or
33 controlled substance analog as set forth in chapter 35 of Title 2C of
34 the New Jersey Statutes; or

35 (2) receives anything of value from participation as an
36 organizer, supervisor, financier or manager or benefits financially in
37 a scheme or course of conduct which violates paragraph (1) or (3)
38 of this subsection; or

39 (3) knowingly holds, recruits, lures, entices, harbors, transports,
40 provides or obtains, by any means, a child under 18 years of age, to
41 engage in sexual activity as defined in paragraph (2) of subsection
42 a. of N.J.S.2C:34-1 or to provide labor or services, whether or not
43 the actor mistakenly believed that the child was 18 years of age or
44 older, even if that mistaken belief was reasonable.

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 b. An offense under this section constitutes a crime of the first
2 degree.

3 c. It is an affirmative defense to prosecution for a violation of
4 this section that, during the time of the alleged commission of the
5 offense of human trafficking created by this section, the defendant
6 was a victim of human trafficking.

7 d. Notwithstanding the provisions of N.J.S.2C:43-6, the term of
8 imprisonment imposed for a crime of the first degree under
9 paragraph (2) or (3) of subsection a. of this section shall be either a
10 term of 20 years during which the actor shall not be eligible for
11 parole, or a specific term between 20 years and life imprisonment,
12 of which the actor shall serve 20 years before being eligible for
13 parole. Notwithstanding the provisions of N.J.S.2C:43-3, the
14 sentence for a conviction for a crime of the first degree under this
15 section shall include a fine in an amount of not less than \$25,000,
16 which shall be collected as provided for the collection of fines and
17 restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4) and
18 forwarded to the Department of the Treasury to be deposited in the
19 "Human Trafficking Survivor's Assistance Fund" established by
20 section 2 of P.L.2013, c.51 (C.52:17B-238).

21 e. In addition to any other disposition authorized by law, any
22 person who violates the provisions of this section shall be ordered
23 to make restitution to any victim. The court shall award to the
24 victim restitution which is the greater of:

25 (1) the gross income or value to the defendant of the victim's
26 labor or services; or

27 (2) the value of the victim's labor or services as determined by
28 the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-
29 56.25 et seq.), the "New Jersey State Wage and Hour Law,"
30 P.L.1966, c.113 (C.34:11-56a et seq.), the Seasonal Farm Labor
31 Act, P.L.1945, c.71 (C.34:9A-1 et seq.), the laws concerning the
32 regulation of child labor in chapter 2 of Title 34 of the Revised
33 Statutes, or any other applicable State law, and the "Fair Labor
34 Standards Act of 1938," 29 U.S.C. s.201 et seq., or any other
35 applicable federal law.

36 (cf: P.L.2013, c.51, s.3)

37

38 2. This act shall take effect immediately.

39

40

41

STATEMENT

42

43 The bill expands the reach of the statute by including those
44 individuals who receive a "financial benefit" from participating in
45 human trafficking without necessarily being an "organizer,
46 supervisor, financier or manager" of the enterprise or scheme.

47 Under the current law, a person commits the crime of human
48 trafficking if he:

- 1 (1) knowingly holds, recruits, lures, entices, harbors, transports,
2 provides or obtains, by any means, another, to engage in unlawful
3 sexual activity or to provide labor or services:
- 4 • by threats of serious bodily harm or physical restraint against the
5 person or any other person;
 - 6 • by means of any scheme, plan or pattern intended to cause the
7 person to believe that the person or any other person would suffer
8 serious bodily harm or physical restraint;
 - 9 • by criminal coercion; or
 - 10 • by destroying, concealing, removing, confiscating, or possessing
11 any passport, immigration-related document or other government
12 document; or
 - 13 • by means of the abuse or threatened abuse of the law or legal
14 process; or
- 15 (2) receives anything of value from participation as an
16 organizer, supervisor, financier or manager in a scheme or course of
17 conduct which violates paragraph (1) of this subsection.